



## **Battle Creek Zoning Board of Appeals**

### **Staff Report**

Meeting: November 13, 2012

**To:** Zoning Board of Appeals  
**From:** Glenn Perian, Senior Planner  
**DATE:** November 5, 2012  
**Subject:** Appeal of the decision of the Zoning Administrator

#### **Summary**

This report addresses a decision of the Zoning Administrator as it relates to use of the property at 439 W. Columbia Avenue for residential purposes. It is the decision of the City of Battle Creek that the property can be used consistent with those uses listed in the C-3 zoning districts and that the residential uses previously permitted have lost their legal-nonconforming status.

#### **Background Information**

The subject site is located at 439 W. Columbia Ave in a C-3 "Intensive Business" Zoning District where both commercial and office uses are permitted by right. On August 15, 2012 a Rental Permit Application was solicited for the subject property by the City Code Compliance Department. On August 24, 2012 the City received a Rental Permit Application for 439 W. Columbia Ave. and 7 Menno Place from R.B. Christian & Sons Inc., the property owner, requesting a permit for two (2) residential units at the subject site. On August 28, 2012, a zoning review was done by the Planning and Zoning Department to see if residential uses would be permitted at the subject location. Notes in the file specifically ask the Zoning Inspector the question; "can there be 2 units in the basement of this business". Based on the request for information, the Zoning Inspector reviewed all the available City files to determine if a residential use could occur at the subject property.



Aerial Photograph of the Subject Site

Based on information found in City files it was determined that the building was constructed in 1930 as a residence. Old Township zoning maps show that in 1950 the property was zoned "C" Commercial. A 1947 Battle Creek Township Zoning Ordinance allows residential uses in the "C" Commercial zone. From 1958-1984 the zoning maps show the property was zoned B-2 "Intensive Business District" as part of the old Township. Residential uses were not permitted in the B-2 district. In 1984, when the Township and City merged, the property was zoned C-3 "Intensive Business District" where residential uses are not permitted. Old assessing file cards show that at some point in time between 1977 and 1984, 7 Menno Place and 439 W. Columbia were both used as "Office". On the same assessing card 7 Menno Place is no longer used to identify the property. Currently, the City identifies the property with the address 439 W. Columbia Avenue and 7 Menno Place does not appear in the City data base as a valid address. During the review, the Zoning Inspector did not find any building permits showing that the property was legally converted from a residential use to an office use and then back to a combined office/residential use and no City record was found that there was any residential use of the building since possibly 1993. Based on the findings of the research, a letter dated October 2, 2012 was sent to Mr. Christian informing him that the property could not be used for residential purposes as a legal-nonconforming use. The letter further stated that if Mr. Christian could produce any documentation that a legal residential use occurred on the property after the entire property was identified as an office use in the assessing file card records, the City would look at the information and consider it. Mr. Christian submitted a letter and seven photos along with his appeal of the Zoning Administrators decision which we do not believe offers any evidence that the property was a legal residence after it was converted to the office use.

#### **Applicable Zoning Ordinance Provisions**

Pursuant to Chapter 1232.04, The Zoning Administrator shall enforce this Zoning Code. The officers and employees of the City, especially all of the members of the Police Department, shall assist the Zoning Administrator by reporting to him or her upon observing new construction, reconstruction or land uses or upon observed violations. **An appeal from a decision of the Zoning Administrator may be made to the Zoning Board of Appeals as provided in Chapter 1234.**

#### **1234.04 JURISDICTION; VOTING REQUIREMENTS FOR DETERMINATIONS.**

(a) The Zoning Board of Appeals shall have the following powers:

(3) To hear and decide appeals from and review any administrative order, requirement, decision, or determination made by an administrative official or body charged with enforcement of this zoning ordinance;

(f) The concurring vote of a majority of the membership of the Board is necessary to reverse an order, requirement, decision, or determination of the administrative official or body, to decide in favor of the applicant on a matter upon which the Board is required to pass under the zoning ordinance, or grant a variance in the zoning ordinance.



**Conclusion:**

Mr. Christian is appealing the decision of the Zoning Administrator to allow the property to be used as an office and two residential units. It is the position of the City that the property was originally built as a residential structure but over time it was converted to an office use, permitted in a C-3 zone. The City believes that there are no records showing that the property was converted back to residential units legally. Mr. Christian has supplied a letter dated October 16, 2012, and seven (7) photos for your review and consideration to support his position.

It is the responsibility of the Zoning Board to determine if the evidence supplied by the City supports the position that the property has lost its residential non-conforming status and can only be used in conformance with uses permitted in the C-3 zoning district or if the evidence supplied by Mr. Christian supports his position that the property can legally be used as a mixed use property including two residential units and an office.

**Attachments**

The following information is attached and made part of this Staff Report.

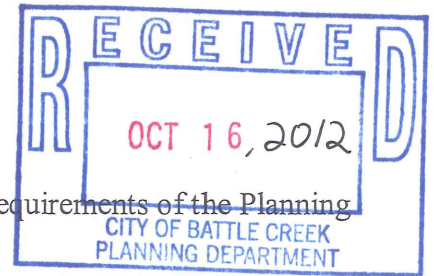
1. Letter dated 8/15/12 from City Code Dept. asking for the property to be registered as a rental
2. Rental Permit Application for property at 439 W Columbia and 7 Meno
3. General Property Information from City of Battle Creek Assessing
4. Enforcement #EN12-06677 showing Zoning Inspectors notes
5. Assessing Cards from 1977-1984 and 1984-1993
6. Residential Zoning Review Letter dated October 2, 2012 from Zoning Inspector Farmer to Mr. Richard Christian
7. RB Christian & Son Inc application to Appeal the Decision of the Zoning Administrator
8. October 16, 2012 letter from Mr. Christian
9. Seven photos supplied by Mr. Christian as part of his application

Date: Oct. 16, 2012

Appeal No. A-01-12

**APPLICATION FOR A VARIANCE**  
**ZONING BOARD OF APPEALS**

*City of Battle Creek, Michigan*



An Appeal to the Zoning Board of Appeals to authorize a variance from the requirements of the Planning and Zoning Code (Part Twelve) of the City of Battle Creek.

Name of Appellant: RB. Christian & Son Inc.

Address: 439 W Columbia Phone: 269 943 2222

Name of Owner (if different from Appellant): Rebecca Christ

Address: \_\_\_\_\_ Phone: \_\_\_\_\_

**TO THE ZONING BOARD OF APPEALS:** Request is hereby made for permission to:  
(Choose One)      **Extend**      **Erect**      **Waive**      **Use**      **Convert**      **Enclose**

Description: Appeal Decision of Zoning  
Administrator AS this property was  
BUILT AS A 3 UNIT - 2 APARTMENTS - 1 OFFICE

Contrary to the requirements of Section(s) \_\_\_\_\_ of the Planning and Zoning Code, upon the premises known as 439 W Columbia Ave. Battle Creek, MI, in accordance with the plans and/or plat record attached.

**The proposed building or use requires Board action in the following area(s):**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Property/Tax I.D. # No. 6460 - 11 - 468 - 0 Size of the Lot: Width \_\_\_\_\_ Depth \_\_\_\_\_

Size of Proposed Building: Width \_\_\_\_\_ Depth \_\_\_\_\_ Height \_\_\_\_\_

**The following reasons are presented in support of this appeal (complete each section):**

- (a.) This property cannot be used in conformance with the ordinance without the requested variance because:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



# R. B. Christian

Since 1952

**Metal Fabrication**

**Pre-Cast Concrete**

439 W. Columbia Ave.  
Battle Creek, Michigan 49015  
Phone (269) 963-2222  
Fax (269) 963-1756

3523 S. Cedar St.  
Lansing, Michigan 48910  
(517) 882-9100  
Email christianinc@att.net

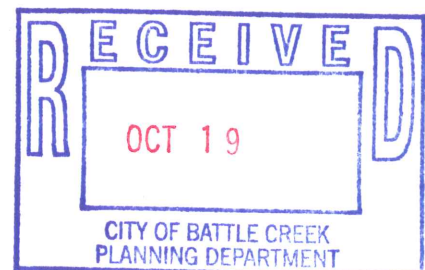
October 16, 2012

City of Battle Creek

Please be advised that our property was built as apartments with an office at 439 W. Columbia Ave. in 1927. We purchased the property in 1971.

Richard Christian

*Your inspection Dept. By viewing  
the old cast iron heat registers, plumbing  
and exposed studs in boiler room along  
with wiring that this was built as is  
and never altered - intention from  
and also windows.*





**CITY OF BATTLE CREEK**  
**10 N. Division Street, Room 117**  
**Battle Creek, MI 49014**  
**269.966.3387**

08/15/2012

RB CHRISTIAN & SON INC  
439 W COLUMBIA AVE  
BATTLE CREEK MI 49015

Dear Owner:

**REF: 439 W COLUMBIA AVE      EN12-06677**

The City of Battle Creek administers the City's Rental Housing Ordinance, Chapter 842 which requires all properties that are not owner occupied to have a current valid rental permit. It has come to the attention of our office that the above-referenced property is currently being occupied by someone other than you the owner. According to our records, there is not a current valid rental permit for this property. It is our goal to improve the value of housing in all Battle Creek neighborhoods and we look forward to assisting you in maintaining a quality rental property.

Please complete the permit application (**enclosed**) and return it to the City Clerks Office within 15 days along with a check or money order made payable to the 'City Treasurer' to cover the following fees:

1. Application fee \$500.00.
2. Inspection fee (No fee for first unit) - \$10.00 for each additional rental unit.

After we have received your completed rental permit application and fees and verified all of the required information, we will notify you of an inspection date and time.

**NOTE: Failure to obtain a rental permit may result in a misdemeanor charge with fines up to \$500 and/or 90 days in jail and an order to vacate the rental property.**

Should you have questions regarding this letter or the rental program, please contact us at 269.966.3379.

Sincerely,

JASON FRANCISCO, Code Official



Submit to:

City of Battle Creek

1000 Division Street, Rm 117

Battle Creek, MI 49014

Phone: 269.966.3379

# RENTAL PERMIT APPLICATION

☐ Initial Permit

☐ Renewal Permit

**Address of Dwelling:** \_\_\_\_\_

(If multiple-unit dwelling, may list range of addresses or attach additional sheet)

**Owner:** \_\_\_\_\_ DOB \_\_\_\_\_

Permanent Address: \_\_\_\_\_

Telephone No.: Home: \_\_\_\_\_ Business: \_\_\_\_\_ Fax: \_\_\_\_\_

Email Address: \_\_\_\_\_

If not an individual, type of Business Entity: \_\_\_\_\_ Corp. ID# \_\_\_\_\_

(e.g., Corporation; Trust; Partnership)

**Legal Agent:** \_\_\_\_\_ DOB \_\_\_\_\_ Capacity\* \_\_\_\_\_

\*e.g. Corporate Resident Agent, Managing Partner, Trustee

Address: \_\_\_\_\_

Telephone No.: Business: \_\_\_\_\_ Fax: \_\_\_\_\_

Email Address: \_\_\_\_\_

**Local Agent\*:** \_\_\_\_\_ DOB \_\_\_\_\_

\* Required where individual owner does not live within Calhoun County

Permanent Address: \_\_\_\_\_

Telephone No.: Home: \_\_\_\_\_ Business: \_\_\_\_\_ Fax: \_\_\_\_\_

Email Address: \_\_\_\_\_

**Type of Dwelling:**

Single Family ☐

Two Family ☐

Multiple Family ☐

No. of Units \_\_\_\_\_

## CERTIFICATION

By my signature, I hereby make application for a rental permit for the above premises and/or accept responsibility for the above premises under the terms of the City Code, and agree to allow City officials and/or appointees to enter and perform inspections as required by the Code of the City of Battle Creek in the manner permitted by said Code. I authorize the person I have designated in this application (if any) as my legal agent.

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Legal Agent

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Local Agent

\_\_\_\_\_  
Date

Submit to:

# RENTAL PERMIT

☒ Initial Permit

## APPLICATION

☐ Renewal Permit

City of Battle Creek

4. Division Street, Rm 117  
Battle Creek, MI 49014  
Phone: 269.966.3379

439 W. Columbia &  
7 Menno Place

Address of Dwelling:

(If multiple-unit dwelling, may list range of addresses or attach additional sheet)

Owner: R.B. Christian & Son Inc DOB: \_\_\_\_\_

Permanent Address: 439 W Columbia Ave

Telephone No.: Home: 9632227 Business: \_\_\_\_\_ Fax: \_\_\_\_\_

Email Address: none

If not an individual, type of Business Entity: Corp. Corp. ID# 381968608  
(e.g., Corporation; Trust; Partnership)

Legal Agent: Rick Christian DOB: \_\_\_\_\_ Capacity\* Corporate Resident  
Address: 52 E Aracia Agent  
\*e.g. Corporate Resident Agent, Managing Partner, Trustee

Telephone No.: Business: 9632222 Fax: 9631756

Email Address: christianinc@att.net

Local Agent\*: \_\_\_\_\_ DOB: \_\_\_\_\_

\* Required where individual owner does not live within Calhoun County

Permanent Address: \_\_\_\_\_

Telephone No.: Home: \_\_\_\_\_ Business: \_\_\_\_\_ Fax: \_\_\_\_\_

Email Address: \_\_\_\_\_

Type of Dwelling:

Single Family ☐

Two Family ☐

Multiple Family ☐

No. of Units 2

### CERTIFICATION

By my signature, I hereby make application for a rental permit for the above premises and/or accept responsibility for the above premises under the terms of the City Code, and agree to allow City officials and/or appointees to enter and perform inspections as required by the Code of the City of Battle Creek in the manner permitted by said Code. I authorize the person I have designated in this application (if any) as my legal agent.

Signature of Owner

Date

8/20/12

Signature of Legal Agent

Date

Signature of Local Agent

Date

RECEIVED

AUG 24 2012

Initial: dc  
PD \$500.00 Ch # 50024  
224268



## General Property Information

## City of Battle Creek

[Back to Non-Printer Friendly Version] [Send To Printer]

Parcel: 6460-11-468-0 Unit: CITY OF BATTLE CREEK

## Values are tentative until finalized by March Board of Review

<b>Property Address</b> <span style="float: right;">[collapse]</span>	
439 W COLUMBIA AVE BATTLE CREEK, MI 49015-3398	
<b>Owner Information</b> <span style="float: right;">[collapse]</span>	
RB CHRISTIAN & SON INC N/A	<b>Unit:</b> 52
<b>Taxpayer Information</b> <span style="float: right;">[collapse]</span>	
R B CHRISTIAN & SON INC 439 W COLUMBIA AVE BATTLE CREEK, MI 49015-3398	
<b>General Information for Tax Year 2012</b> <span style="float: right;">[collapse]</span>	
<b>Property Class:</b>	201 - COMMERCIAL
<b>School District:</b>	13090 - LAKEVIEW SCHOOLS
<b>State Equalized Value:</b>	\$91,785
<b>User Number Indx:</b>	
<b>Assessed Value:</b>	\$91,785
<b>Taxable Value:</b>	\$32,252
<b>Map #</b>	614NE
<b>Date of Last Name Chg:</b>	06/25/2009
<b>Date Filed:</b>	
<b>Notes:</b>	N/A
<b>Historical District:</b>	N/A
<b>Census Block Group:</b>	N/A
<b>Principal Residence Exemption</b>	<b>June 1st</b> <b>Final</b>
	-
<b>2012</b>	0.0000 %      0.0000 %
<b>Previous Year Info</b>	<b>MBOR Assessed</b> <b>Final S.E.V.</b> <b>Final Taxable</b>
<b>2011</b>	\$94,916      \$94,916      \$31,405
<b>2010</b>	\$94,916      \$94,916      \$30,881
<b>Land Information</b> <span style="float: right;">[collapse]</span>	
<b>Lot 1:</b>	<b>Frontage</b> <b>Depth</b>
	71.25 Ft.      136.50 Ft.
<b>Lot 2:</b>	41.25 Ft.      76.50 Ft.
<b>Lot 3:</b>	0.00 Ft.      0.00 Ft.
<b>Total Frontage:</b>	112.50 Ft. <b>Average Depth:</b> 114.50 Ft.
<b>Total Acreage:</b>	0.30
<b>Zoning Code:</b>	C3
<b>Land Value:</b>	\$70,916 <b>Mortgage Code:</b> N/A

<b>Land Improvements:</b>	\$14,755	<b>Lot Dimensions/Comments:</b>
<b>Renaissance Zone:</b>	NO	
<b>Renaissance Zone Expiration Date:</b>		
<b>ECF Neighborhood Code:</b>	00512 - 512 OFFICE BLDGS SOUTH	

**Legal Information for 6460-11-468-0**

[collapse]

PARK BEIDLER LOTS 58, 59 & 68 ALSO VAC E 30 FT OF MENNO PL RNG BEG COLUMBIA AVE & WAVEENORK DR ALSO ALL VAC ALLEY BET LOTS 59 & 68 ALSO N 1/2 OF VAC ALLEY LYING S OF LOT 58, EXC N 8 FT OF SD PARCEL, ALSO EXC BEG AT PT ON W LI OF SD E 30 FT OF MENNO PLAT DIST 8 FT SLY OF S LI OF COLUMBIA AVE - S 88 DEG 58 MIN E PAR WITH S LI OF COLUMBIA AVE DIST OF 8 FT - SWLY TO PT ON SD W LI OF E 30 FT OF MENNO PL DIST 2 FT FROM POB - N 00 DEG 42 MIN E 2 FT TO POB

**Sales Information****2 sale record(s) found.**

Sale Date	Sale Price	Instrument	Grantor	Grantee	Terms Of Sale	Liber / Page
<input type="checkbox"/> 01/27/2004	\$9,200.00	05	RB CHRISTIAN & SON INC	MICHIGAN DEPT OF TRANSPORTATION	18 SPLIT	2783/0585
<b>Note</b>						
907.98 SQ FT						
12/11/2001	\$1.00	12	CHRISTIAN, ROBERT B & BEVERLY M	R B CHRISTIAN & SON INC	12 QCD/OTHER	2401/0859

**Building Information****2 building(s) found.**

Description	Floor Area	Yr Built
<input type="checkbox"/> Commercial/Industrial Building 1 - Office Building	0 Sq. Ft.	1930
<b>General Information</b>		
<b>Floor Area:</b>	0 Sq. Ft.	<b>Estimated TCV:</b> N/A
<b>Occupancy:</b>	Office Building	<b>Class:</b> C
<b>Stories Above Ground:</b>	0	<b>Average Story Height:</b> 0
<b>Basement Wall Height:</b>	N/A	<b>Year Remodeled:</b> 0
<b>Year Built:</b>	1930	<b>Heat:</b> Zoned A.C. Warm & Cooled Air
<b>Percent Complete:</b>	100%	<b>Functional Percent Good:</b> 100%
<b>Physical Percent Good:</b>	48%	<b>Effective Age:</b> 42 yrs.
<b>Economic Percent Good:</b>	100%	
<input type="checkbox"/> Residential Building 1	1542 Sq. Ft.	1930
<b>General Information</b>		
<b>Floor Area:</b>	1542 Sq. Ft.	<b>Estimated TCV:</b> N/A
<b>Garage Area:</b>	288 Sq. Ft.	<b>Basement Area:</b> 1207 Sq. Ft.
<b>Foundation Size:</b>	1542 Sq. Ft.	
<b>Year Built:</b>	1930	<b>Year Remodeled:</b> 1970
<b>Occupancy:</b>	Single Family	<b>Class:</b> CDN/A
		<b>Tri-Level?:</b> NO
<b>Percent Complete:</b>	100%	<b>Heat:</b> Forced Hot Water
<b>AC w/Separate Ducts:</b>	NO	<b>Wood Stove Add-on:</b> NO



<b>Bedrooms:</b>	0	<b>Water:</b>	N/A
<b>Style:</b>	BUNGALOW(1STY)	<b>Sewer:</b>	N/A

**Area Detail** - Basic Building Areas

Height	Foundation	Exterior	Area	Heated
1 Story	Full Bsmnt.	Siding	1067 Sq. Ft.	1 Story
1 Story	Crawl Space	Siding	425 Sq. Ft.	1 Story

**Area Detail** - Overhangs

Height	Exterior	Area	Included in Size for Rates
1 Story	Siding	50 Sq. Ft.	YES

**Basement Finish**

<b>Recreation:</b>	0 Sq. Ft.	<b>Recreation % Good:</b>	0
<b>Living Area:</b>	744 Sq. Ft.	<b>Living Area % Good:</b>	0
<b>Walk Out Doors:</b>	0	<b>No Concrete Floor Area:</b>	0 Sq. Ft.

**Plumbing Information**

<b>3-Fixture Baths:</b>	2
<b>2-Fixture Baths:</b>	1

**Garage Information****Garage # 1**

<b>Area:</b>	1 Car - Basement Garage	<b>Exterior:</b>	Siding
<b>Foundation:</b>	42 Inch	<b>Common Wall:</b>	2 Wall
<b>Year Built:</b>		<b>Finished?:</b>	NO
<b>Auto Doors:</b>	0	<b>Mech Doors:</b>	0

**Porch Information**

<b>CPP:</b>	20 Sq. Ft.	<b>Foundation:</b>	Standard
<b>CCP (1 Story):</b>	272 Sq. Ft.	<b>Foundation:</b>	Standard
<b>WGEP (1 Story):</b>	140 Sq. Ft.	<b>Foundation:</b>	Basement

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**RENT REG-SOLICITED Enforcement | EN12-06677****Property Information**

6460-11-468-0      439 W COLUMBIA AVE      Subdivision:  
BATTLE CREEK MI, 49015-3398      Lot:      Block:

**Owner Information**

Owner:      RB CHRISTIAN & SON INC      Phone:  
Occupant:      RB CHRISTIAN & SON INC      Phone:  
Filer:      Phone:

**Enforcement Information**

Date Filed:      08/15/2012      Date Closed:      Status:      PENDING  
Complaint:  
  
Last Action Date:      Last Inspection:      10/02/2012  
Last Action:

**RENTAL HC Inspection | JASON FRANCISCO**

Status:      Canceled      Result:      Canceled  
Scheduled:      10/03/2012      Completed:      10/02/2012

**Comments:**

inspection not needed because zoning does not allow for these apts

**RENTAL HC Inspection | JASON FRANCISCO**

Status:      Canceled      Result:      Canceled  
Scheduled:      10/03/2012      Completed:      10/02/2012

**Comments:**

inspection not needed because zoning does not allow for these apts

**COMPLIANCE Inspection | JASON FRANCISCO**

Status:      Completed      Result:      Complied  
Scheduled:      09/07/2012      Completed:      08/24/2012

**ZONING CODE Inspection | DAVID L FARMER**

Status:      Completed      Result:      Violation(s)  
Scheduled:      08/28/2012      Completed:      08/28/2012

**Comments:**

can there be 2 units in the basement of this business?

There is no record of any residential use of the building since possibly 1993. BC Twp zoned this property "B-2 Intensive Business District" in 1975 -777.  
The property is zoned "C-3 Intensive District" today, which does not allow residential units except as legal non-conforming. I can't find any evidence from the assessors office or the building archives to indicate any reason to justify a legal non-conforming (grandfather) status.  
The rental application lists two address for two units, 7 Menno & 439 W. Columbia, 7 Menno does not exist in the property file, only 439 W. Columbia.  
Residential use of this property would violate the Zoning ordinance. 8/28/12 dlf

**RENTAL PERMIT APPLICATION Inspection | JASON FRANCISCO**

Status:      Completed      Result:      No Violation  
Scheduled:      08/27/2012      Completed:      08/24/2012

**Comments:**

REC'D APP & SOLICITED FEE OF \$500.00. DG

**INVESTIGATION Inspection | JASON FRANCISCO**



Status: Completed  
Scheduled: 08/16/2012

Result: Violation(s)  
Completed: 08/15/2012



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ROBERT CHRISTIAN

439 W COLUMBIA

BATTLE CREEK, MI

PARK BUILDER LOTS 58, 59, 68 & EAST 30 FT. MENNO PLACE

0.00

2,400

11468

6460-11-468-0

MAP NUMBER

ROUTING NUMBER

PROPERTY CLASS

DATE

RECORD OF OWNERSHIP

AMOUNT

2 GROSS		3 NONE		LAND COMPUTATIONS		
FRONTAGE	DEPTH	UNIT VALUE	DEPTH FACTOR	ACTUAL VALUE	LAND VALUE	LAND VALUE
72.2	67	60				
43.6	78					
T DEPRECIATION						
RNER INFL.						
CLASSIFICATION	NO. OF ACRES		RATE			
PRIMARY SITE						
SECONDARY SITE						
BEARED						
BEARED						
WOODLAND						
WETLAND						
TOTAL ACREAGE						
TOTAL VALUE LAND (GROSS)				3160		
TOTAL VALUE BUILDINGS				9180		
TOTAL VALUE LAND AND BUILDINGS				12340		

BUILDING PERMIT RECORD			PURPOSE	
DATE	NUMBER	AMOUNT		

SALES DATA										ASSESSMENT RECORD					
DATE			TYPE		SALE PRICE		SOURCE			VALIDITY		LAND		BLDGS.	
MO.		YR.	1 LAND	2 L & B			1 BUYER	3 FEE	2 SELLER	4. AGENT	1 YES	2 NO	71	19	
			1 2				1 2	3 4	1 2		1 2		14,400		
			1 2				1 2	3 4	1 2		1 2		Equalized		
			1 2				1 2	3 4	1 2		1 2		Value		
			1 2				1 2	3 4	1 2		1 2		15,000		
			1 2				1 2	3 4	1 2		1 2		4C		
			1 2				1 2	3 4	1 2		1 2		30,000		
MEMORANDA															
1975-13,080															
Office file 9/26/76															
Weed use add.															
439W, Cal.															
on # 11436															
* CONSENT JUDGEMENT															
Sent to S.T.C. 4/9/84															
TOPOGRAPHY			IMPROVEMENTS			STREET OR ROAD			DISTRICT			LAND		BLDGS.	
LEVEL			CITY WATER	SEWER/SEPTIC	GAS	PAVED	UNPAVED	PROPOSED	SIDEWALK	IMPROVING	STATIC	DECLINING	19	19	
HIGH															
LOW															
ROLLING															
SWAMPY															



# CHINA BUILDING

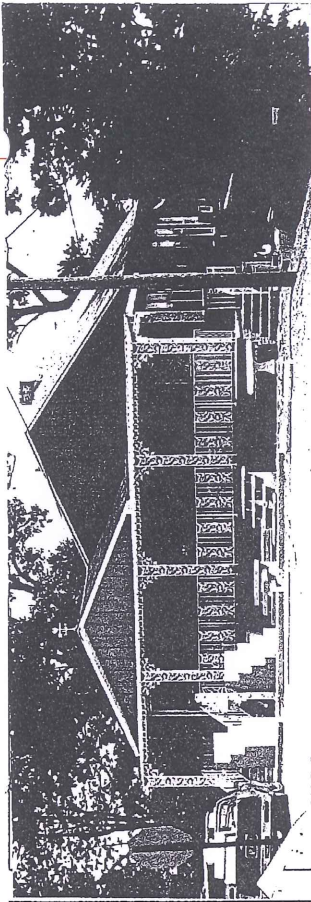
[illegible]



MAP NO.

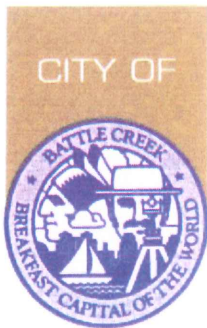
[illegible]





SIZES		STY.	HGT.	AREA	CUBE	CUBE COST	QUALITY	USE:
EXCAV.	CONCRETE		CONC. BLK.				CLASS CONST.	
FDN.	COL. FTGS.						MAN. SEC.	
						SO. FT. COST	SEC. DATE	
							BUILDING DATE	COSTS
FRAME								
FLOOR STRUCT.	CONCRETE							
	STL. JOISTS							
	WD. JOIST							
	NONE		ASP. TILE					
FLOOR COVER	HARDWOOD		TILE					
CLNGS.	NONE		DRI-WALL					
	PLASTER		ACOUSTICAL					
PARTNS.	FRAME		MASONRY					
	TOILET		LAVATORY					
	TUB		SHOWER					
PLUMBING	URINAL		SINK					
	AWH		DISPOSAL					
HEATING AND COOLING	NONE							
ELEC. & LTG.								
EXT. WALLS	CONC. BLK.		BRICK					
	BRICK VEN.		WD. FR.					
BSMT. WALLS	NONE		CONC. BLK.					
	CONCRETE							
ROOF STRUCT.	STL. JOISTS							
	WD. JOISTS							
	CONCRETE							
	TRUSSES							
ROOF COVER	COMP. B.U.							
MISC.								
CONDITION	EXCEL.	GOOD	AVG.	FAIR	POOR		COST TOTALS	





CITY OF

BATTLE CREEK  
DEPARTMENT OF PLANNING AND ZONING

October 2, 2012

Mr. Richard Christian  
RB Christian & Son Inc  
439 W. Columbia Ave  
Battle Creek, MI 49015

RE: RESIDENTIAL ZONING REVIEW  
439 WEST COLUMBIA AVE, BATTLE CREEK, MI, PARCEL 6460-11-468-0

Dear Mr. Christian:

A zoning review was performed to determine the residential compliance of your property, at 439 W. Columbia Ave, with **Battle Creek City Zoning Code Chapter 1264 C-3 Intensive Business Districts**

The property was zoned by the Battle Creek Twp in 1975 as "B-2 Intensive Business District", which did not allow residential dwellings. The Battle Creek City Zoning map demonstrates the property is zoned "C-3 Intensive Business District", which does not allow residential dwellings. The BC City Assessors records and the BC City Building Inspection records do not record any legal residential use that would permit a legal non-conforming use. If you can produce any documentation of legal residential use that could qualify the property as legal non-conforming residential use in a "C-3 Intensive Business District", we would certainly consider it.

Residential use of the property either as a rental or owner occupied would violate the Battle Creek City Zoning Ordinance and is not allowed. You may appeal to the Zoning Board of Appeals for a use variance if you desire to use the property for residential occupancy.

Pursuant to Chapter 1232.04, any appeal from a decision of the Zoning Administrator may be made to the Zoning Board of Appeals as provided in Chapter 1234. In accordance with the Zoning Board of Appeal Bylaws, Article VIII, Section 2, you have fifteen (15) days from the date of this letter (OCTOBER 17, 2012) in which to file your appeal of this decision, by submitting the attached application.

If you have questions you may call the Planning Office at 966-3320.

Sincerely,

David L. Farmer, Zoning Inspector

Enclosure: ZBA Application